

## **REMARKS**

### **I. Introduction**

Receipt of a final Office Action dated September 26, 2005 is acknowledged. In the Action, claims 1, 4-8, 10-12, 14, 19, 23, 33, 50, 52 and 65-86 are rejected as allegedly not enabled, and claims 69-77 and 82-86 are rejected as allegedly indefinite.

It is acknowledged that the foregoing amendments are submitted after final rejection. However, because the amendments do not introduce new matter or raise new issues, and because the amendments either place the application in condition for allowance or at least in better condition for appeal, entry thereof by the Examiner is respectfully requested.

Applicants respectfully request reconsideration of the present application in view of the reasons that follow.

### **II. Status of the Claims**

In this response, applicants cancelled claims 1, 4-19, 21-33, 35-49, 51-61, 66-68 and 70-73, and amended claims 69, 76-78, 82 and 84. Upon entry of this amendment, claims 69 and 74-86 will be under examination.

### **III. Rejections under 35 USC § 112, first paragraph**

Claims 1, 4-8, 10-12, 14, 19, 23, 33, 50, 52, 65-68, 71 and 73 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly not enabled. Applicants respectfully traverse this ground for rejection.

Without acquiescing to the Office's rejection, and in the interest of expediting prosecution, Applicants cancelled these claims, thereby rendering the rejection moot.

Claims 69-86 are also rejected as allegedly not enabled. These claims were rejected because the specification is allegedly not enabling "for any transgenic mouse wherein only [a] targeted cell comprises the transgene or the fusion protein." Office Action at 4. Applicants respectfully traverse this ground for rejection.

Without acquiescing to the Office's rejection, and in the interest of expediting prosecution, Applicants amended the claims to more clearly recite that the gene or intergenic DNA sequences are located in one or more of the chromosomes of the genome of the mouse and that a Cre fusion protein is expressed in a targeted cell of the mouse. Applicants also cancelled claims 70-73. Applicants trust that these amendments address the Office's concerns.

**IV. Rejections under 35 USC § 112, second paragraph**

Claims 69-77 and 82-86 are rejected 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Specifically, the claims were rejected because "it is unclear whether the transgenic mouse comprises a transgene that encodes said protein or the target cells express said protein." Office Action at 6. Applicants respectfully traverse this ground for rejection.

Applicants trust that the foregoing claim amendments address the Office's rejection.

Claims 70-73 are also rejected for alleged indefiniteness. Without acquiescing to the Office's rejection, and in the interest of expediting prosecution, Applicants cancelled claims 70-73.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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